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REMARKS:

Claims 3, 6-12, 15, 18, 19, and 22 have been cancelled. Thus, claims 1, 2, 4, 5, 13, 14, 16, 17, 20 and 21 are pending.

The Examiner rejected all pending claims under 35 U.S.C. 103(a) as being obvious over Cassidy (U.S. Patent No. 744,718) in view of Mauch (EP Patent No. 0320958) and Sakai (U.S. Patent No. 6,013,042). The Examiner contends that one of ordinary skill in the art would have arrived at the applicant's invention by substituting the cylindrical flat-end nodes of Mauch for the spherical-shaped nodes of Cassidy's message device, while using the teachings of Sakai to construct the cylindrical flat-end nodes to be between one half to one inch in length and diameter for the purpose of applying a specific pressure at a specific pressure point.

It is well understood that three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success

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must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

No where in the cited references is the trigger point therapy device or method of the invention explicitly taught. Hence, there must be a suggestion or motivation to modify or combine the teachings of the cited references to arrive at the present invention and the references must teach or suggest all of the limitations of the applicant's claims.

Claim 1 of the present invention reads:

A method for performing a trigger-point massage, comprising the following steps:
(a) providing a spherical ball having an array of between 8 to 14 pliable nodes projecting axially from the surface of the spherical ball, wherein said pliable nodes are substantially cylindrical; and
(b) applying localized pressure to a trigger-point using a single pliable node of said spherical ball;
wherein said pliable nodes are between one-half inch to one inch in both length and diameter. (Emphasis added)

Clearly, none of the references, alone or in combination, teach or suggest the limitation of "providing a spherical ball having an array of between 8 and 14 pliable nodes."

Moreover, the claimed length and diameter of the nodes are not specifically taught or suggested by the cited references. Indeed, the Sakai reference discloses a foot and leg massager that has nodes of *many* different lengths and diameters. However, neither Sakai, nor any other reference, provides a motivation or suggestion to construct "nodes...between one-half inch to one inch in both length and diameter" for all of the nodes of a spherical ball as claimed by the Applicant.

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As has been pointed out by the applicant in response to a previous Office Action, the number, size, and structure of the nodes are not simply a matter of design choice. As stated in the specification at page 9, lines 1-9:

The restricted number and spacing of nodes are due to roll and pressure requirements discovered by the inventor. The nodes must be spaced apart in such a manner to allow the device to roll while searching for trigger points and still provide adequate pressure to find and release them. If the nodes are spaced too far apart, the device will not roll effectively and if the nodes are spaced too close together, the nodes would not provide adequate or localized pressure at the trigger point. Moreover, the number and size of the nodes dictates the spacing between them and the degree of penetration into the body when pressure is applied. Thus, the preferred size of each node is between one-half inch to one inch in both length L and diameter D as shown in Fig. 1.

Given that the limitations underlined above are not taught or suggested by the combination of references cited by the Examiner, the applicant respectfully submits that claim 1 and all claims depending therefrom cannot be rendered obvious.

The remaining independent claims (13 and 21) recite identical or similar language that (1) specifies a limited number of nodes and that (2) requires all of the nodes to be between one-half inch to one inch in both length and diameter. Thus, claims 13 and 21, as well as all claims depending therefrom, also are believe to new and unobvious in view of the cited art.

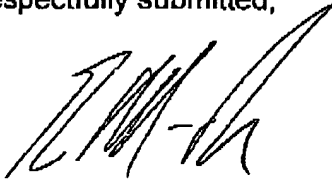
Base on the above, the applicant respectfully requests that the rejections be reconsidered and that this case be passed to allowance.

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No fee is believed to be due with this response. Should there be any unforeseen costs, please charge our Deposit Account No. 17-0055.

Respectfully submitted,



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